



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,932	02/19/2002	Stephane Kasriel	FC 020219	6509

22854 7590 03/25/2005

MOORE, HANSEN & SUMNER, PLLP
225 SOUTH SIXTH ST
MINNEAPOLIS, MN 55402

EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,932

Applicant(s)

KASRIEL, STEPHANE

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/13 1/18 1/10.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application Number 10/079,932 received on 19 February 2002.
2. Claims 1-18 are presented for examination.

Claim Objections

3. Claims 7 and 8 are objected to because of the following informalities:
4. Claim 7 recites the limitation "wherein, wherein". Examiner will interpret the limitation as "wherein". Appropriate correction is required.
5. Claim 8 recites the limitation "to build template for each next web page". Examiner will interpret the limitation as "to build a template for each next web page". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 1 recites the limitation "next page". It is unclear to Examiner what is meant by this limitation.
8. Claim 2 recites the limitation "said template". There is insufficient antecedent basis for this limitation in the claim. Examiner will interpret the claim as "said at least one template".

Art Unit: 2143

9. Claim 4 recites the limitation "a suggestion". It is unclear to Examiner what "a suggestion" consists of.
10. Claims 8 and 14 recite the limitation "next web pages". It is unclear to Examiner what is meant by this limitation.
11. Claim 12 recites the limitation "likely next pages". There is insufficient antecedent basis for this limitation in the claim.
12. Claim 13 recites the limitation "in said a client cache". There is insufficient antecedent basis for this limitation in the claim.
13. Claim 14 recites the limitation "calculating a template for said web page". It is unclear to Examiner as to what is being calculated.
14. Claim 14 recites the limitation "sending a hint to a client, wherein said hint includes a suggestion what to download." It is unclear to Examiner what a "hint" is. It is also unclear to Examiner what the "suggestion" is. The limitation should be more specific.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. Claims 14-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims directed to a memory, storing instructions, said instructions executable by a processor, which appears to be nothing

Art Unit: 2143

more than a signal carrying instructions for execution not tangibly embodied in a manner so as to be executable and is thus non-statutory for failing to be in one of the categories of invention.

Claim Interpretation

16. Before a detailed mapping, a brief discussion should be made about Examiner's interpretation of the claimed invention. Independent claims 1 and 8 are nothing more than pre-fetching websites based on a prediction from an earlier client request, which is well known (as shown below) in the prior art. Independent claim 14 is nothing more than creating templates based on a threshold.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17. Claims 1, 8, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Becker et al. (U.S. Patent Number 5,878,223).

18. Regarding claims 1, 8, and 14, Becker discloses a system and method for:

Art Unit: 2143

receiving a request from a client (Becker, col. 2, lines 30-36);

updating a prediction map in response to said request and a referring web page for said request, said prediction map associating said web page with at least one next page (Becker, col. 2, lines 36-43);

maintaining for said web page a set of templates, wherein said set of templates include at least one template for said at least one next page (Becker, col. 2, lines 44-50, Becker discloses the server containing the next-requested web pages, therefore also including the templates of the web pages);

sending said template for at least one next page, and delta information for said web page to said client (Becker, col. 2, lines 44-46); and

sending a hint to a client, wherein said hint includes a suggestion what to download (Becker, col. 2, lines 44-46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mogul (U.S. Patent Number 5,802,292) hereinafter referred to by Mogul'292 in view of

Art Unit: 2143

Mogul (HTTP Delta Clusters and Templates, Publication date: 24 August 2000)

hereinafter referred to by Mogul.

20. Regarding claims 1, 4, 8, 10, 11, 14, 16, and 17, Mogul'292 discloses a method including steps of:

receiving from a client a request for a web page (Mogul'292, col. 4, lines 30-33);

updating a prediction map in response to said request and a referring web page for said request, said prediction map associating said web page with at least one next page (Mogul'292, col. 4, lines 34-40);

However, Mogul'292 does not explicitly state calculating delta information for a web page and evaluating the size of the delta information with respect to a threshold;

calculating a template for said web page if said delta information for said web page exceeds said threshold;

maintaining for said web page a set of templates, wherein said set of templates include at least one template for said at least one next page;

sending said template for at least one next page, and delta information for said web page to said client; and

sending a hint to a client, wherein said hint includes a suggestion what to download.

In an analogous art, Mogul discloses a server that the delta between current instance of a resource and a separately-identified template resource where the server

Art Unit: 2143

sends a 'hint' to inform the client of the location of the template resource (Mogul, page 9).

Mogul'292 and Mogul are analogous art because both teachings involve reducing retrieval latency when a user requests web pages.

Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate the teaching of Mogul into Mogul'292 to produce a server that can predict the next web page to be visited based on the client request and transferring only the data needed by the client to produce the page to the user for the benefit of reducing retrieval latency (Mogul'292, col. 2, lines 15-20 and 40-45).

21. Regarding claim 2, Mogul'292 and Mogul disclose the limitations, substantially as claimed, as described in claims 1, 8, and 14, including the step of integrating said template with said delta information and presenting said web page to said client (Mogul, page 9).

22. Regarding claim 3, Mogul'292 and Mogul disclose the limitations, substantially as claimed, as described in claims 1, 8, and 14, including wherein said referring page includes a reference to an object previously requested by said client (Mogul'292, col. 4, lines 30-35).

23. Regarding claim 5, Mogul'292 and Mogul disclose the limitations, substantially as claimed, as described in claims 1, 8, and 14, including the steps of calculating new delta

Art Unit: 2143

information for said web page; and conditionally building a new template in response to said new delta information wherein said new template is built when said new delta information exceeds a selected threshold. (Mogul, pages 3 and 9, Mogul teaches calculating new delta information and building a new template resource after an expired timestamp);

24. Regarding claim 6, Mogul'292 and Mogul disclose the limitations, substantially as claimed, as described in claims 1, 8, and 14, including determining the number of changes made to a set of selected objects; and

conditionally building a new template in response to said number of changes;

wherein said new template is built when said number of changes exceeds a selected threshold (Mogul'292, col. 4, lines 5-15, Mogul teaches determining thresholds and heuristics on changes in objects and prefetching an object based on a number of criteria including modifications and thresholds).

25. Regarding claims 7, 9 and 15, Mogul'292 and Mogul disclose the limitations, substantially as claimed, as described in claims 6, 8, and 14, including wherein said selected said selected threshold includes a reference to object age (Mogul'292, col. 4, lines 5-15, Mogul teaches object modification timestamp).

26. Regarding claim 12, Mogul'292 and Mogul disclose the limitations, substantially as claimed, as described in claims 8 and 11, including wherein said hint includes URLS

of templates for likely next pages (Mogul, page 9, Mogul teaches sending users hints to inform the client of the URI of the template resource).

27. Regarding claims 13 and 18, Mogul'292 and Mogul disclose the limitations, substantially as claimed, as described in claims 8, 11, 14, and 17, including wherein said hint includes information for storing said template in said a client cache (Mogul, page 9, Mogul teaches the client storing static parts of the website in the client's cache).

Conclusion

28. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

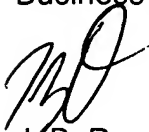
Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

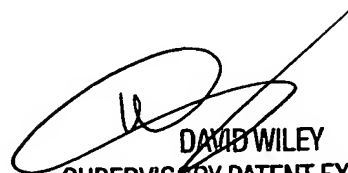
Art Unit: 2143

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. B. D.
Patent Examiner
Art Unit 2143



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100